

Department of Public Health and
Human Services (DPHHS)

Health Insurance Portability and Accountability Act ("HIPAA") Privacy Policy

John Chappuis, Deputy Director

Date: February 27, 2003

Revised Date:

Policy Title:	Notice of Privacy Practices		
Policy Number:	006	Version:	1.0
Approved By:	John Chappuis		
Date Approved:	February 27, 2003		

Purpose:

This policy addresses the information that must be contained in the official Notice of Privacy Practices.

Policy:

1. **A client has the right to adequate notice of the uses and disclosures of Protected Health Information ("PHI") that may be made by DPHHS, and the legal duties of the Department with respect to PHI. The right to a Notice of Privacy Practices does not apply to inmates of correctional institutions.**
2. **DPHHS must provide a notice that is written in layman's language and that contains the following details:**
 - a. A header statement, "THIS NOTICE DESCRIBES HOW MEDICAL INFORMATION ABOUT YOU MAY BE USED AND DISCLOSED AND HOW YOU CAN GET ACCESS TO THIS INFORMATION. PLEASE REVIEW IT CAREFULLY."
 - b. A description, including an example, of the types of uses and disclosures that DPHHS is permitted to make for treatment, payment and operations, as well as any other purposes for which disclosure is permitted without the client's written authorization.
 - c. A statement that other uses and disclosures will be made only with the client's written authorization and that the client may revoke such authorization.
 - d. If DPHHS intends to engage in any of the following activities, the description must include a separate statement, as applicable, that:

- i. DPHHS may contact the client to provide appointment reminders or information about treatment alternatives or other health-related benefits and services that may be of interest to the client; and
 - ii. DPHHS may contact the client to conduct fund raising activities for the covered entity.
 - e. A statement of the client's rights and a brief description of how the client may exercise these rights as follows:
 - i. The right to request restrictions on certain uses and disclosures, including a statement that the covered entity is not required to agree to a requested restriction;
 - ii. The right to receive confidential communications by alternative means and at alternative locations;
 - iii. The right to inspect and copy PHI;
 - iv. The right to amend PHI;
 - v. The right to receive an accounting of disclosures of PHI; and
 - vi. The right to obtain a paper copy of this notice.
 - f. A statement of DPHHS duties:
 - i. A statement that DPHHS is required by law to maintain the privacy of PHI and to provide clients with notice of its legal duties and privacy practices;
 - ii. A statement that DPHHS is required to abide by the terms of the notice currently in effect; and
 - iii. A statement that DPHHS reserves the right to change the terms of its notice and how it will provide clients with a revised notice.
 - g. A statement that the client may complain to DPHHS and to HHS if they believe their privacy rights have been violated, a brief description of how a complaint may be filed, and a statement that the client will not be retaliated against for filing a complaint.
 - h. A contact person for receiving complaints.
 - i. An effective date of the notice.
3. DPHHS must notify all clients at least once every three years that the Notice of Privacy Practices is available and how the client can receive a copy of it.
 4. Whenever possible, DPHHS employees should attempt to get the client to sign an acknowledgement of receipt of the Notice of Privacy Practices. If the client refuses to sign, documentation to that effect should be kept in the client file. The Notice can be mailed to clients with the expectation that it has been received if it is not returned.